

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonja Rucnov	Team: Team # 8	CCRB Case #: 200910349	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/04/2009 9:45 PM	Location of Incident: § 87(2)(b)	Precinct: 109	18 Mo. SOL 1/4/2011	EO SOL 1/4/2011	
Date/Time CV Reported Sat, 07/04/2009 10:06 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/06/2009 3:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Evangelos Galatas	28484	932677	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Evangelos Galatas	Abuse: PO Evangelos Galatas stopped § 87(2)(b)	§ 87(2)(b)
B.POM Evangelos Galatas	Abuse: PO Evangelos Galatas frisked § 87(2)(b)	§ 87(2)(b)
C.POM Evangelos Galatas	Abuse: PO Evangelos Galatas searched § 87(2)(b)	§ 87(2)(b)
D.POM Evangelos Galatas	Discourtesy: PO Evangelos Galatas spoke obscenely and rudely to § 87(2)(b)	§ 87(2)(b)

Case Summary

On July, 2009, § 87(2)(b) called the CCRB to file this complaint (encl. 51-5b). On July 4, 2009, at approximately 9:45 PM, § 87(2)(b) was sitting on the stairs in front of his house at § 87(2)(b) in Queens when PO Evangelos Galatas stopped him. The following allegations ensued from the officer's actions.

- **Allegation A – Abuse of Authority:** PO Evangelos Galatas stopped § 87(2)(b)
- **Allegation B – Abuse of Authority:** PO Evangelos Galatas frisked § 87(2)(b)
§ 87(2)(b), § 87(2)(g)
- **Allegation C – Abuse of Authority:** PO Evangelos Galatas searched § 87(2)(b)
§ 87(2)(b), § 87(2)(g)
- **Allegation D – Discourtesy:** PO Evangelos Galatas spoke obscenely and rudely to § 87(2)(b)
§ 87(2)(b), § 87(2)(g)

On July 14, 2009, the CCRB discussed mediation with § 87(2)(b) but he was not interested in speaking with PO Galatas. § 87(2)(b) indicated that he would rather avoid police officers from then on (encl. 6b).

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

On July 14, 2009, § 87(2)(b) was interviewed by the CCRB (encl. 6a-6b). On July 4, 2009, at approximately 9:45 p.m., § 87(2)(b) was sitting in front of his house with his girlfriend, § 87(2)(b) and their § 87(2)(b) son when a police car passed by slowly. The occupant of the police car, identified as PO Evangelos Galatas of the 109th Precinct, was looking at them. § 87(2)(b) was wearing a white t-shirt with a blue logo over his chest, black-and-white pajamas, and sneakers. A couple of minutes later, the same police car reentered their street and stopped approximately twenty feet away. PO Galatas got out of the police car and told § 87(2)(b) to come over. He ordered § 87(2)(b) to put his hands on the hood of the police car. § 87(2)(b) complied but told PO Galatas that the hood was too hot since the car was still running. § 87(2)(b) told the officer he was disabled and showed him that he did not have a half of his right hand and one finger on his left hand. PO Galatas insisted that § 87(2)(b) keeps his hands on the hood. § 87(2)(b) asked PO Galatas what was going on, but PO Galatas did not respond. PO Galatas started patting § 87(2)(b) down from top to bottom. When PO Galatas asked § 87(2)(b) where he lived, § 87(2)(b) told him that he lived in the house. PO Galatas reached with his index finger inside § 87(2)(b)'s sneakers and moved his finger around his heels. § 87(2)(b) asked PO Galatas what was going on again, and PO Galatas told him that he would tell him later. PO Galatas asked § 87(2)(b) for his name, which § 87(2)(b) provided. When § 87(2)(b) approached them with the baby at the end of the frisk and stood on the sidewalk a couple of feet away, § 87(2)(b) turned his head to the right towards his wife and told her to go back to the stoop. PO Galatas told him to shut up and pressed his right hand with an open fist against § 87(2)(b)'s neck for ten to fifteen seconds. When § 87(2)(b) told PO Galatas that he was scaring his family and that his son was calling him, PO Galatas responded, "Your son is fucking § 87(2)(b) old." PO Galatas ordered § 87(2)(b) to go away, and she did. When PO Galatas asked § 87(2)(b) for his ID, he responded that it was in his house. PO Galatas asked for § 87(2)(b)'s name again as he spoke

on the radio. When additional officers arrived, one of them released § 87(2)(b) did not suffer any injuries.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

On July 14, 2009, § 87(2)(b) was interviewed by the CCRB (encl. 7a-7b). § 87(2)(b) provided the account of what happened prior to § 87(2)(b) being placed against the hood of the police car that was consistent with § 87(2)(b) account. § 87(2)(b) stayed on the stoop with her baby and was not able to either see or hear what took place between § 87(2)(b) and PO Galatas. However, when § 87(2)(b) approached § 87(2)(b) and PO Galatas with her baby, the officer was moving his index finger inside § 87(2)(b)'s sneakers around his heels. § 87(2)(b)'s account of the second part of the incident was overall consistent with § 87(2)(b)'s account. However, § 87(2)(b) stated that PO Galatas did not make any references to the baby.

Results of Investigation

NYPD Statements

Subject Officer: PO EVANGELOS GALATAS

- § 87(2)(b)
- On July 4, 2009, PO Galatas was assigned to "safety auto" and worked from 3:00 p.m. to 11:35 p.m. solo. He was dressed in uniform and assigned to RMP § 87(2)(b)

250

The handwritten 250 prepared by PO Galatas shows that the officer stopped and frisked § 87(2)(b) at 9:33 p.m. because § 87(2)(b) fit a description and because of proximity to a crime location. PO Galatas described § 87(2)(b) § 87(2)(b) (encl. 8a).

Memo Book

PO Galatas has the following entries in his memo book regarding the incident, "21:33 one male stop in front of § 87(2)(b); 21:40 mark 10-93Q prepared; 21:58 transported one male back to the 109 precinct." (encl. 8f)

CCRB Testimony

On August 20, 2009, PO Evangelos Galatas was interviewed at the CCRB (encl. 8g-8h). On date of the incident, at approximately 9:30 p.m., PO Galatas received information via radio about an armed man in the vicinity of College Point Boulevard and 20th Avenue. PO Galatas canvassed the area and saw an individual that matched the description of the man provided via radio approximately three blocks away from the location. PO Galatas could not remember what the description involved. When PO Galatas was presented with the UF61 report pertaining to the incident, he confirmed that the defendant was described as a white male with a shaved head. When shown a photograph of § 87(2)(b) PO Galatas did not recognize § 87(2)(b) and believed that the individual that he stopped might have had a shaved head.

§ 87(2)(b) and § 87(2)(b) were sitting on the stoop steps of a house at § 87(2)(b). PO Galatas stopped his car on the street in front of the house and asked § 87(2)(b) to come to the police car. § 87(2)(b)

§ 87(2)(b) responded along the lines of “I know the deal...” When PO Galatas asked § 87(2)(b) to put his hands on the hood of the police car, which was still running, § 87(2)(b) complied. PO Galatas said he had to ask the individual two to three times to put his hands on the car because § 87(2)(b) involuntarily kept removing his hands. PO Galatas attempted to explain the reason for the stop, but § 87(2)(b) was agitated stating that the stop was unnecessary. PO Galatas then noticed § 87(2)(b) was missing a hand. PO Galatas patted § 87(2)(b) down from bottom to top. PO Galatas did not reach inside § 87(2)(b)'s shoes or any piece of his clothing. PO Galatas communicated the stop over the radio. PO Galatas did not interact with § 87(2)(b) who stood on the steps during the incident. PO Galatas neither told § 87(2)(b) “Your son is fucking § 87(2)(b) old,” nor used any profanity against § 87(2)(b). PO Galatas did not press the back of § 87(2)(b)'s neck. A couple of units arrived including five to ten officers, and it was established that § 87(2)(b) was not the one they were looking for. PO Galatas asked § 87(2)(b) for his name, which § 87(2)(b) provided. Approximately ten minutes after the incident, PO Galatas transported an apprehended individual to the precinct.

Canvas of Incident Location

On July 14, 2009, the undersigned investigator visited the incident location because § 87(2)(b) requested to be interviewed at his house because of his disability. The investigator took photographs of the incident location and distributed contact letters at surrounding private houses (encl. 11c&h).

NYPD Documents

UF61

- Complaint report § 87(2)(b) shows that a robbery took place inside § 87(2)(b). The description of the suspect was broadcast over the radio: a white male with no shirt and a shaved head (encl. 9a-9b).

Sprint

- Sprint § 87(2)(b) at 9:21 p.m., at § 87(2)(b), a male caller reported a robbery that happened five minutes earlier; MC STS firearm seen; the perpetrator described as a bald white male. WRNG; blue shirt; chubby; mid 30s year old. At 9:23 p.m., no injuries; male caller § 87(2)(b) § 87(2)(b), inside AR Tavern at § 87(2)(b) § 87(2)(b). The perpetrator has a goatee; the unknown direction of flight. At 9:28 p.m., the male fled westbound to 14 Road and Frn College Point Blvd. A white male -5X7- heavy set, white t-shirt, posses displayed revolver. At 9:29 p.m., STS suspect goes by name § 87(2)(b). At 9:31 p.m., 109 Squad notified via LL; also request ECT to location. At 9:35 p.m., STS have poss § 87(2)(b). At 9:57 p.m., one under FRM § 87(2)(b) for both jobs (encl. 11a).
- Sprint § 87(2)(b) at 9:35 p.m., an unknown perpetrator; a male attacking a female; the call placed by a male anonymous caller at § 87(2)(b) at § 87(2)(b). The 109 Precinct responded. The male was last seen 5 minute in the past. At 9:47 p.m., the male had not shirt, was bald, and had a goatee. At 9:49 p.m., a white bald male with a goatee wearing light gray shorts, no shirt, and white sneakers. Firearm was not seen but might have one. At 9:51 p.m., no further units. At 9:52 p.m., a female taken for a show-up. At 9:51 p.m., resuming patrol (encl. 10b).
- Sprint § 87(2)(b) at § 87(2)(b), at 9:33 p.m., a male stopped. At 10:20 p.m., 109 precinct summons auto, non-crime corrected (encl. 11c).

Roll call

- The 109th Precinct roll call for tour 3 on July 4, 2009, indicates that PO Galatas worked and was assigned to RMP § 87(2)(b) for safety enforcement (encl. 10k).

Status of Civil Proceedings

- § 87(2)(b) did not file a Notice of Claim with the City of New York as of November 12, 2009, in regard of the incident.

Civilian Criminal History

- A search in BADs disclosed no criminal convictions for § 87(2)(b) in New York City during the last ten years.

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).

Subject Officers CCRB History

- In his six-year tenure with the NYPD, PO Galatas does not have any substantiated cases in his CCRB history (encl. 2).

Conclusions and Recommendations

Identification of Subject Officers

- PO Galatas provided his name to § 87(2)(b) upon his request.
- PO Galatas acknowledged stopping and frisking § 87(2)(b) therefore, the allegations were pleaded against him.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Evangeles Galatas stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO Evangeles Galatas frisked § 87(2)(b)

It is undisputed that PO Galatas stopped § 87(2)(b) pursuant to the report of a robbery that had taken place ten to fifteen minutes earlier and a block away from § 87(2)(b)'s house. Prior to § 87(2)(b) being stopped, the description of an armed suspect was communicated over the radio by a man, whose last name and phone number were provided. The suspect was described as a bald white male in mid-30s with a heavy set and goatee, blue or white t-shirt, and firearm. PO Galatas stated that § 87(2)(b) fit the description at the time but could not recall what description. However, his 250 report provides § 87(2)(b)'s pedigree information and describes him as bald. The investigation determined that § 87(2)(b) matched the description of the suspect in terms of his race, weight, age, and the color of his t-shirt. According to Criminal Procedure Law, section 140.50 (1), an officer may stop an individual, ask for his/her name, address, an explanation of his/her conduct, and detain him/her while an expeditious investigation is conducted to determine if there is probable cause to arrest the subject. In addition, an officer may frisk the subject for a deadly weapon (encl. 1a). The level of suspicion required for a forcible stop is a reasonable suspicion that a person is committing, has committed or is about to commit a felony or Penal Law misdemeanor as in People v. De Bour 40 N.Y. 2d 210 (1976) (encl. 1a). According to Kamins, even if the specific description of a perpetrator is not provided, reasonable for stop and frisk can be justified based on the fact that the defendant is found in close temporal and special proximity to the crime and the fact that the defendant is the only person at the scene who fits a general description of the perpetrator (encl. 1b).

§ 87(2)(b), § 87(2)(g)

Allegation C – Abuse of Authority: PO Evangelos Galatas searched § 87(2)(b)

§ 87(2)(b) alleged that PO Galatas searched his sneakers, and § 87(2)(b) corroborated this statement. However, PO Galatas denied searching § 87(2)(b)'s sneakers. § 87(2)(b), § 87(2)(g)

Allegation D – Discourtesy: PO Evangelos Galatas spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Galatas stated, “Your son is fucking § 87(2)(b) old.” However, PO Galatas denied using any profanity during the incident. § 87(2)(b) did not hear PO Galatas make any references to their baby. § 87(2)(b), § 87(2)(g)

Team: Eight :

Investigator:	_____	<u>Sonja Rucnov</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date